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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/193,791	11/17/1998	JAY PAUL DRUMMOND	D1077+5	2451

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RALPH E. JOCKE
231 SOUTH BROADWAY
MEDINA, OH 44256

EXAMINER

BERGIN, JAMES S

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 01/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/193,791

Applicant(s)

DRUMMOND ET AL.

Examiner

James S. Bergin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 1-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Semple et al. (6,085,177).

Semple et al. disclose an ATM machine comprising sheet dispensers for performing various functions such as dispensing banknotes, printouts etc. The Semple et al. ATM uses a web browser interface, through which interface the various functions of a normal ATM machine are accessed by a user (see abstract, and column 4, line 5 – column 5, line 37).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over "US BANCORP, MICROSOFT PAVING NEW ROADS TO ON-LINE BANKING" (hereinafter referred to as US BANKER) on PTO-892 accompanying this action.

US BANKER discloses an automated banking machine comprising a PC running a web browser, wherein the customers remotely access the on-line bank through the internet browser. US BANKER further discloses, *"It goes beyond simply using software as a pipeline to basic ATM-like services. Instead, it aspires to make a full-service branch available in the home through the PC including the option of a live teller through two-way, full motion video giving customers access to everything except maybe safe deposit boxes. Customers would enter the on-line bank through an internet browser. They would then be able to apply for and check various accounts (not just basic savings and checking), download cash and make deposits. The vision is that the customer would be able to do everything on-line that they can now do in a branch.....and that's much broader than what traditionally has been delivered over an automated teller machine or telephone".*

The web browser interface of the PC in US BANKER is the means by which and through which the user interfaces with and remotely accesses the on-line bank to perform any of a myriad of banking functions.

US BANKER does not specifically mention that the customer's automated banking machine PC has a sheet dispenser mechanism operatively responsive to receipt of at least one HTML format document by the browser, so as to dispense an output through an output device of the automated banking machine PC, or that the US BANKER system can be used in an ATM machine to remotely access the on-line bank.

The examiner takes official notice that it was known even to computer novices at the time that the invention was made that web browsers read web pages and are capable of receiving HTML format documents, and that HTML documents can contain embedded instructions therein such as applets. Official notice is further taken that ATM machines remotely accessing banking systems were well known to the general citizenry at the time that the invention was made and that these ATM machines comprise computers, software, sheet dispensers and output devices enabling them to perform any one of the myriad functions of an ATM machine including providing output through an output device and the dispensing of sheets by the sheet dispenser.

Regarding claims 1 and 2, it would have been obvious to one of ordinary skill in that art at the time that the invention was made, to select the well known HTML format as the web page format at the user browser interface of the US BANKER PC, such HTML web pages controlling the functioning of any and all of the myriad of banking functions of the US BANKER PC including the function of providing output through an

output device and dispensing of at least one sheet or note from a printer associated with the PC. Such a selection of HTML format documents containing embedded instructions therein such as applets, would involve technology that even a computer novice was familiar with at the time that the invention was made.

It would have been further obvious to one of ordinary skill in the art at the time that the invention was made to use US BANKERS remote access browser software and system, including the HTML pages containing embedded dispensing and output instructions therein, in the computer of a regular ATM machine rather than a home PC, so as to increase on-line banking access to the citizens that did not have a home PC. Such a modified ATM would allow the user to access and interface through the browser with one of the myriad functions of the ATM machine, including providing output through the output device and dispensing of sheets from a sheet dispenser responsive to the browser receiving HTML web pages containing embedded dispensing and output instructions therein.

Regarding **claim 3, 4 and 6**, US BANKERS system as modified above comprises an on-line bank server for serving a plurality of web pages to the remote access computers of the ATM machines, said web pages including dispense instructions embedded therein so as to control the sheet dispenser and the output of sheets or notes.

Regarding **claim 5**, the examiner takes official notice that ATM machines were known by the average citizen at the time that the invention was made, to contain a plurality of transactional functional devices, so as to enable them to perform a plurality

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of different transactional functions such as dispensing notes and sheets and accepting deposit envelopes through a deposit input slot.

It would have been obvious, to one of ordinary experience in the art at the time that the invention was made, to control the deposit receiving device of the US BANKERS modified ATM machine, by means of an additional web page containing an additional device instruction embedded therein, so as to allow a user to make a deposit through the convenient web browser interface.

Regarding **claims 7-14**, the US BANKERS modified ATM machine as outlined above inherently meets the limitations of claims 7-14. If the applicant believes that this is not the case, then the examiner takes official notice that the limitations of claims 7-14 do not define anything new over that, which was known, to one of ordinary skill in the art of web browser software and networking at the time that the invention was made. Applicant is advised that a restriction requirement will be required in an attempt to reduce the burden on the examiner if the applicant sees the apparatus and method claims as patentably distinct inventions.

Response to Arguments

3. Applicant's arguments filed 8/27/01 concerning the rejection of claims 1-14 as being unpatentable over "US BANCORP, MICROSOFT PAVING NEW ROADS TO ON-LINE BANKING" in the action mailed 6/19/01, have been fully considered but they are not persuasive. Due to the sheer volume of these arguments, they will not be addressed individually. Moreover, these arguments are now largely moot in view of the new

grounds of rejection of claims 1-14 and new claims 15-20 as being anticipated by Semple et al. (6,085,177).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

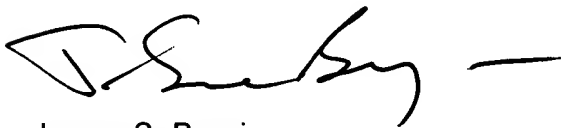
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Bergin whose telephone number is 703 308-8549. The examiner can normally be reached on Monday-Thursday 8.30-6.00 and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-1396 for regular communications and 703 308-1396 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.



James S. Bergin

January 25, 2002



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100